



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-1370 FAX (603) 271-1381

October 2002



Bill Staib  
Plant Manager  
Johnson & Johnston Associates, Inc.  
130 Route 111  
Hampstead, New Hampshire 03841

**CERTIFIED MAIL (7099 3400 0003 0687 4459)  
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY  
ARD No. 2002-017**

Dear Mr. Staib:

The New Hampshire Department of Environmental Services, Air Resources Division ("DES") is sending this Letter of Deficiency ("LOD") to Johnson & Johnston Associates, Inc. ("JJA") informing JJA of deficiencies noted during the review of the annual compliance certification received for calendar year 2001 and the semi-annual permit deviation and monitoring ("PD/M") reports for calendar years 2001 and 2002. In February 2002, DES sent a guidance package to JJA to offer information and assistance on the submittal of reports required by Title V permit TV-OP-024 ("the Permit"). In the cover letter sent with the guidance package, DES stated that any Title V source submitting reports for calendar year 2001 that did not meet the requirements of its Title V permit would be contacted and required to resubmit the reports.

DES understands that some Title V sources had already submitted the annual compliance certification for calendar year 2001 and/or the semi-annual PD/M report for the period of July through December of 2001 prior to receiving the guidance package. However, JJA submitted the PD/M report for January through June of 2002 to DES since receiving the guidance package, and DES expects that this and all future reports should fully comply with the requirements of the Permit. DES is providing those Title V sources that submitted incomplete or inaccurate semi-annual PD/M reports for calendar years 2001 or 2002, or compliance certifications for calendar year 2001, an opportunity to correct those deficiencies. The specific deficiencies found during the review of JJA's Title V reports for calendar year 2001, and the semi-annual PD/M reports for 2001 and 2002 are identified below:

1. JJA must certify its compliance status with each and every condition and requirement of the Permit. JJA did not certify its compliance with Conditions I, II, III, IV, V, VI, VII, VIII.D, VIII.H, IX and the General Permit Conditions of X through XXX. In addition, JJA addressed the reporting requirements of Items #1 through #8 of Table 7, Condition VIII.G as one entry in the annual compliance certification. JJA must certify its compliance status with each of the Items #1 through #8 separately. Compliance with each item must be certified as "Continuous", "Intermittent", or "Not in Compliance", as applicable. If compliance with a condition or item is "N/A", it must be stated. Any permit condition that references the equipment, devices, pollution control equipment, or stacks (Conditions I through VI of the Permit) can be certified as "Continuous" if no changes have been made to these items since the Permit was issued. Any permit condition that is simply a statement of fact, and cannot be modified through any operational or physical modification, can be certified as "N/A" for its compliance status. There is one exception to having to certify each and every requirement of the Permit. When there are no deviations of any the General Conditions X through XXX, the compliance status of all of the General Conditions can be certified collectively as "N/A" or with the statement that the requirements of the General Conditions are addressed by other requirements contained within the Permit;

2. JJA certifies for Condition VIII.A, Table 2, item #4 and Condition VIII.B, Table 3, item #3 in the annual compliance certification, that the monitoring methods used to determine its compliance status are "This Compliance Report" and "This Report", respectively. Every statement of compliance status made in the annual compliance certification must be based on the requirement to monitor, keep records, or report, as specified in the Permit, for the condition being certified. The annual compliance certification by itself cannot be used as a means of determining compliance;
3. JJA summarizes the requirement of Condition VIII.A, Table 2, item #10 as "EU#1 to run...24 hours/day and 365 days per year". The Permit states for Emission Units #1 and #3 combined that "The operating hours of these devices shall be limited to 24 hours per day and 300 days during any consecutive twelve-month period". It is not clear to DES, if JJA's quotation from the Permit is a typographical error, or a misunderstanding of the Permit condition. In addition, JJA cannot certify the monitoring frequency as "Continuous" for the intermittent method of using logs to determine compliance. The monitoring frequency must be stated as "Intermittent";
4. JJA certifies in the summary of deviations for Condition VIII.A, Table 2, item #12 that there were deviations from the daily emissions limits for Emission Units #4 and #5. However, the permit deviation report made to DES on October 26, 2001 only lists this deviation occurring for Emission Unit #4. JJA did not include Emission Unit #5 in the permit deviation report. If this permit deviation also affected Emission Unit #5, then JJA must summarize this unreported permit deviation to DES in the annual compliance certification. The deviation must be included in Part 3 of DES's annual compliance certification reporting format, included in the guidance package, or a similar reporting format;
5. JJA certifies that it has been in "Continuous" compliance with Condition VIII.B, Table 3, item #4 (incorrectly referenced as item #3 in the compliance certification). However, JJA states in the summary of deviations for this item "None, except as noted". If there have been any permit deviations from any requirement of 40 CFR 63, Subpart A, referenced by item #3, JJA cannot certify its compliance as "Continuous". JJA did not comply with all the requirements of 40 CFR 63, Subpart A, some of which referenced in the Permit as specific requirements of Tables 4, 5 and 6 of the Permit. JJA has submitted reports of permit deviations from some of these Permit requirements during calendar year 2001, and certifies "Intermittent" compliance with these items in the annual compliance certification. Therefore, JJA must certify "Intermittent" compliance with Condition VIII.B, Table 3, item #4;
6. JJA certifies in the summary of deviations for Condition VIII.C, Table 4, item #15 that there have been no deviations from this requirement since December 12, 2001, and that results were inconsistent prior to December, 2001. JJA reported a permit deviation from this requirement to DES on January 22, 2001. If deviations from this requirement have occurred since January 22, 2001, JJA must summarize each unreported permit deviation to DES in the annual compliance certification. The deviation must be included in Part 3 of DES's annual compliance certification reporting format, included in the guidance package, or a similar reporting format. Note that Condition VIII.G, Table 7, items #2 and Condition XXVIII of the Permit require the prompt reporting of any permit deviation to DES within 8 hours of discovery of the occurrence of the deviation;
7. JJA certifies that it has been in "Continuous" compliance with Condition VIII.E, Table 5, items #3 and #4, which require weekly temperature measurements at very specific locations within the web cleaning device. However, JJA submitted a permit deviation report to DES on January 22, 2001 in which it stated that it had been using alternate methods for recording these temperatures and had not been complying with the requirements, as specified in the Permit.

If there has been any permit deviation from a requirement, JJA cannot certify its compliance with that requirement as "Continuous". JJA must certify "Intermittent" compliance with Condition VIII.E, Table 5, items #3 and #4;

8. JJA certifies that it has been in "Continuous" compliance with Condition VIII.E, Table 5, item #6, which requires JJA to measure the temperature of the continuous web while it is in the solvent cleaning machine to demonstrate the performance of the Superheated Solvent Vapor Device. JJA states in the summary of deviations for this item, that logs were not kept for this monitoring requirement prior to July 12, 2001, but that since there is no requirement for recordkeeping, there is no permit deviation. However, there is a requirement for recordkeeping of these monitoring records in Condition VIII.F, Table 6, item #6 a) 3, which requires JJA to keep results of the weekly readings of the air blanket, web part and solvent vapor zone temperatures for each web-cleaning unit including the date of the readings and the name of the inspector. JJA must certify "Intermittent" compliance with Condition VIII.F, Table 6, item #6, and summarize this unreported permit deviation to DES in the annual compliance certification. The deviation must be included in Part 3 of DES's annual compliance certification reporting format, included in the guidance package, or a similar reporting format;

9. JJA certifies that it has been in "Continuous" compliance with the reporting requirements of Condition VIII.G, Table 7. JJA does not address the individual items contained in Table 7. JJA must certify its compliance status with each of the reporting requirements of items #1 through #8 of Table 7, individually. In fact, JJA has not been in continuous compliance with all of the reporting requirements. JJA must certify "Continuous" or "Intermittent" compliance, or "Not in Compliance", as applicable, with following reporting requirements:

a. JJA did not submit the annual report of VOC emissions and process data for calendar year 2000 that was required to be submitted to DES no later than April 15, 2001, as required by Condition VIII.G, Table 7, item #1. The annual emissions report for calendar year 2000 was submitted with the emissions-based fee payment for calendar year 2000, on Sept. 21, 2001. Because the report was submitted during the calendar year 2001, although it was submitted late, JJA can state that it was in "Intermittent" compliance with this requirement.

JJA has also not submitted the annual emissions report for calendar year 2001 that was required to be submitted to DES no later than April 15, 2002. JJA can certify "Intermittent" compliance for this requirement in the annual compliance certification for calendar year 2002, due no later than April 15, 2003; if the annual emissions report for calendar year 2001 is submitted after the deadline;

b. JJA did not report all of the permit deviations that occurred during calendar year 2001, as is required by Condition VIII.G, Table 7, item #2. As noted above in Item #4 of this LOD, JJA had deviations from Condition VIII.A, Table 2, item #12, which specifies daily emissions limits for Emission Unit #5, which were not reported to DES. As noted above in Item #6 of this LOD, JJA reported in the annual compliance certification that it had deviations, up to December 12, 2001, from Condition VIII.C, Table 4, item #15. JJA last reported a permit deviation from this requirement to DES on January 22, 2001.

As noted above in Item #8 of this LOD, JJA did not keep weekly records of monitoring data, as required by Condition VIII.F, Table 6, item #6 a)3 prior to July 12, 2001. Failure to record this data was not reported to DES as a permit deviation. Therefore, since JJA did not report all of the permit deviations to DES within 8 hours of discovery, JJA must certify that it was in "Intermittent" compliance with this requirement;

- c. Condition VIII.G, Table 7, item #3 requires that any report submitted to DES contain a certification of accuracy statement signed by a responsible official. JJA did not include a certification of accuracy statement with the annual emissions report for calendar year 2000 required by item #1 of Table 7. However, JJA did include the statement with the quarterly VOC reports required by item #7 of Table 7. Therefore, JJA must certify it was in "Intermittent" compliance with this requirement;
- d. JJA was in "Continuous" compliance with Condition VIII.G, Table 7, item #4 to submit the emissions-based fee for calendar year 2000 to DES prior to the October 15, 2001 deadline;
- e. JJA was in "Continuous" compliance with Condition VIII.G, Table 7, item #5 to submit the semi-annual PD/M reports to DES for July through December of 2000, and January through June of 2001, by January 31, 2001 and July 31, 2001, respectively;
- f. JJA did not submit the annual report of data for the web cleaning devices for calendar year 2000, required by Condition VIII.G, Table 7, item #6 to be submitted prior to April 15, 2001. Therefore, JJA must certify it was "Not in Compliance" with this requirement;
- g. JJA was in "Continuous" compliance with Condition VIII.G, Table 7, item #7 to submit the quarterly VOC reports within 15 days of the end of the calendar quarter; and
- h. JJA was in "Continuous" compliance with Condition VIII.G, Table 7, item #8 to submit the annual compliance certification for calendar year 2000 to DES no later than April 15, 2001.

10. JJA certifies that the monitoring method it used to determine that it was incorrectly in "Continuous" compliance with the reporting requirements of Condition VIII.G, Table 7, was "Reports". "Reports" is not an acceptable method of determining compliance status. Any report that JJA refers to when compiling its information to determine its compliance status with each requirement of the Permit, is based upon some means of data collecting or observation. In general, recordkeeping would be the method used to determine and demonstrate compliance with most requirements of the Permit.

DES believes that the above-noted deficiencies can be resolved by JJA taking the following action:

1. Within 45 days of receipt of this LOD, please re-submit the annual compliance certification for calendar year 2001, correcting the deficiencies noted above. JJA does not need to re-submit any semi-annual PD/M reports; and
2. Within 30 days of receipt of this letter, please submit the calendar year 2001 emissions report that should have been submitted to DES no later than April 15, 2002.

Although JJA is not required to use the forms included in the guidance package, all the information contained in the forms must be submitted to DES in order to comply with the reporting requirements of the Permit. Prior to issuing the guidance package, DES accepted reports that contained less than all the information required to be included in the reports as stated in the Permit. DES will no longer accept partial reporting of information. DES may choose to initiate formal enforcement action for failure to comply with Title V reporting requirements, including issuing an order requiring the deficiencies to be corrected, and/or penalties for repeated reporting violations. DES has sought penalties for late annual compliance certifications, and may also seek penalties for late semi-annual PD/M reports. In addition, the US EPA also reviews the annual compliance certification.

The US EPA may identify sources that submit incomplete or late annual compliance certifications as High Priority Violators, making those sources subject to increased likelihood of inspection and enforcement.

In addition to the above requested actions, DES wants to remind JJA that it is required to comply with all of the terms and conditions of the Permit and of the NH Administrative Rules. In the event compliance is not achieved within the time periods indicated, DES may initiate formal action against JJA including issuing an order requiring the deficiencies to be corrected, and/or referring this matter to the NH Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

Please address all information to Raymond Walters, at the following address:

NHDES Air Resources Division  
Compliance Bureau  
6 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095

Please be advised that DES will continue to monitor JJA's compliance status and that this letter does not provide relief against any other existing or future violations. It is important that JJA be aware of all the requirements stipulated in its Permit. Please feel free to contact DES should you have any questions regarding compliance with the NH Code of Administrative Rules Env-A 100-3800 and the requirements of the Permit. A current copy of the Air Resources Division rules can be obtained from the DES website at [www.des.state.nh.us/ard/ardrules.htm](http://www.des.state.nh.us/ard/ardrules.htm), or by contacting the Public Information Center at (603) 271-2975.

If you have any questions regarding this matter, or require further information please contact Raymond Walters at (603) 271-6288 or Mary Ruel at (603) 271-6795 at the Air Resources Division, Compliance Bureau.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Mary Ruel', is written over the word 'COPY'.

Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/raw

cc: R. Bean, JJA  
R. Scott, Deputy Director, NHDES-ARD  
G. Rule, NHDES-O/C  
R. Kurowski, EPA Region I  
J. Douglas Gootee, Chairman of Selectmen, Town of Hampstead  
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